

## PLYMOUTH CITY COUNCIL

**Subject:** Energy from Waste Plant – Independent Legal Advice  
**Committee:** Cabinet and Planning Committee  
**Date:** 23 August 2012  
**Cabinet Member:** Councillor Evans  
Chair of Planning Committee: Councillor Stevens  
**CMT Member:** Bob Coomber, Interim Chief Executive  
**Author:** Tim Howes, Assistant Director for Democracy & Governance & Monitoring Officer  
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**Ref:**  
**Key Decision:** No  
**Part:** I

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### **Purpose of the report:**

At a meeting of the Council on 30 July, the following Motion on Notice was approved in respect of the seeking of independent legal advice in regard to the Energy from Waste Plant being constructed in the North Yard, HM Naval Base, Devonport.

In view of the on-going, serious and deeply felt concerns of many residents regarding the location of the proposed Waste Plant at North Yard, the Council should fully investigate the options available which would prevent the plant being constructed in its current location. To this end, the Council instructs the Interim Chief Executive to seek independent legal advice on the implications of the Council terminating the current contractual arrangements and revoking the current planning consent and for this advice to be considered by Cabinet and the Planning Committee respectively as a matter of urgency.

Attached to this report is the independent legal advice that the Interim Chief Executive has received from Foot Anstey LLP, Solicitors whom have also been invited to the meetings to present their findings.

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### **Corporate Plan 2012 – 2015:**

There are no Corporate Plan implications arising from this report.

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### **Implications for Medium Term Financial Plan and Resource Implications: Including finance, human, IT and land**

Other than the costs of the advice itself, there are no immediate financial implications arising from it. Any further actions which affect the contracts or the planning permission do carry significant financial implications as referenced in the independent legal advice.

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**Other Implications: e.g. Child Poverty, Community Safety, Health and Safety, Risk Management and Equality, Diversity and Community Cohesion:**

N/A

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**Recommendations & Reasons for recommended action:**

Members of Cabinet and the Planning Committee respectively are asked to consider the independent legal advice provided by Foot Anstey Solicitors and decide what, if any, action they wish officers to take as a result.

**Alternative options considered and reasons for recommended action:**

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The independent legal advice was sought on the instruction of a meeting of Council on 30 July.

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**Background papers:**

Independent legal advice attached.

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**Sign off:**

Fin	MCI2I 3.007	Leg	TH0 049	HR		Corp Prop		IT		Strat Proc	
Originating SMT Member: Tim Howes											
Have you consulted the Cabinet Member(s) named on the report? Yes											